IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24509 of 2003

Between:

1 The Government of Andhra Pradesh Rep. by its Secretary, Revenue

Department, Secretariat Buildings, Hyderabad - 500 022.
2 The Chief Commissioner of Land Administration, Nampally Station Road, Hyderabad - 500 001.
3 Government of Andhra Pradesh, Rep. by its Principal Secretary, General Administrartion Department, Secretariat, hyderabad - 500 022
4 The Secretary, A.P. Public Service Commission, Hyderabad

..... PETITIONERS

AND

G. Omkar Reddy, Commercial Tax Officer, Chittoor,
Chittoor District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or proceedings more particularly one in the nature of "Writ of Certiorari" calling for the records pertaining to the order passed in O.A.No. 1836/2003 on the file of Hon'ble A.P.A.T. Hyderabad dated 26-3-2003 and quash the same as illegal and arbitrary.

Counsel for the Petitioners: GP FOR SERVICES II

Counsel for the Respondent: MR.C.SRINIVASA BABA

Mr.C.KISHORI RAO

WRIT PETITION NO : 22135 of 2004

Between:

1 P. Mohan Reddy S/o. Late P. Narayana Reddy,

Competent Authority and Deputy Collector, L.A. NH.

Marripalem, Visakhatnam.

2 A. Ravinder Reddy S/o. Appa Reddy, Deputy Collector and Mandal Revenue Officer, Rajendra Nagar, R.R.District.

3 M. Ravindra Babu, S/o. Venkataratnam, Deputy Collector and Mandal Revenue Officer, Sherilingampally, R.R.District.

4 K. Dharma Reddy S/o. Venkata Reddy, Revenue Divisional Officer, Janagaon, Warangal District.

..... PETITIONERS

AND

1 The Government of A.P., rep. by its Principal Secretary, Revenue Department,

Secretariat, Hyderabad.

2 The Chief Commissioner of Land Administration, Hyderabad.

3 Government of A.P. rep. by its Principal Secretary, G.A.D., Secretariat, Hyderabad.

4 The Secretary, A.P. Public Service Commission, Hyderabad.

5 G. Omkar Reddy S/o. Narayana Reddy, Commercial Tax Officer, Chittoor ,Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of Writ Certiorari calling for the records relating to the order of the Hon'ble A.P. Administrative Tribunal Dt. 26.3.2003 in O.A.No. 1836 of 2003 and quash the same by holding it as illegal, bad and arbitrary.

Counsel for the Petitioners: MR.J.R.MANOHAR RAO

Counsel for the Respondent Nos.1 to 4: G.P.FOR SERVICES-II

Counsel for the Respondent No.5: Mr.P.Naveen Rao

The Court made the following:

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COMMON ORDER: (per GB.J.)

Both the Writ Petitions can be disposed of by a common order as they arise out of the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.1836 of 2003, dated 26.3.2003.

The above OA was filed by one G.Omkar Reddy, who is respondent in WP.No.24509 of 2004 and 5th respondent in WP.No.22135 of 2004, seeking declaration of the action of the respondents therein in not considering his claim for appointment to the post of Deputy Collector in any one of the vacancies that have arisen prior to 31.8.1998 as per the conditions laid down in Advertisement No.5/98 and also declare the action of the 2nd respondent therein in notifying the direct recruitment vacancies to the APPSC as illegal, arbitrary and violation of Articles 14, 15 and 21 of the Constitution of India and for consequential direction.

According to the applicant in the above OA he was selected for Group-I Services by virtue of the notification issued by the APPSC bearing Advertisement No.5/1998 and after selection he was appointed as Commercial Tax Officer in 2001 and in 2003 he filed the above OA before the Tribunal claiming the relief as referred to above. However, the Tribunal, disposed of the said OA with the following directions:

"…In this view of the matter, the respondent Nos.1 and 2 are directed to furnish the details of vacancies that were there as on the date of notification, to the APPSC for publication of selection list in the category of Deputy Collectors. It is to be furnished within two months from the date of receipt of copy of this order. Thereupon, the claim of the applicant and similarly situated persons shall

be considered as per their ranking for the posts of Deputy Collectors. The OA is accordingly disposed of".

Aggrieved by the said order, Writ Petition No.24509 of 2003 has been filed by the Government.

The learned Government Pleader for Services-II submits that without hearing the Government and without giving the time for filing the counter, the OA was allowed by the Tribunal and therefore the matter requires reconsideration in the hands of the Tribunal after filing the counter by the Government. The learned Government Pleader also submits that there is any amount of laches on the part of the applicant. He having been appointed in 2001, did not raise his little finger till 2003. Even he did not challenge the notification No.5/1998. Had there been a proper opportunity to the Government, these facts would have been placed by the Government before the Tribunal for giving proper conclusion.

On the other hand Mr.Naveen Rao, learned counsel appearing for the respondent submits that the Tribunal has only given direction to furnish the details of vacancies that were there as on the date of notification to the APPSC for publication of selection in the category of Deputy Collectors and if the same implemented, no prejudice would be caused to the Government.

(G.BIKSHAPATHY, J.)

28th December, 2004.

(P.S.NARAYANA, J.)

SSR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this

The 28th day of December, 2004.

ASSISTANT REGISTRAR

To

1 The Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad - 500 022.
2 The Chief Commissioner of Land Administration, Nampally Station Road, Hyderabad - 500 001.
3 The Principal Secretary, General Administration Department, Government of Andhra Pradesh, Secretariat, Hyderabad - 500 022
4 The Secretary, A.P. Public Service Commission, Hyderabad

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

7 2 CD copies.

3.2CCs to